



Journal of the Senate

Number 26

Thursday, May 12, 1977

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Gordon | Myers | Thomas, Jon |
| Barron | Gorman | Peterson | Thomas, Pat |
| Castor | Graham | Plante | Tobiassen |
| Chamberlin | Hair | Poston | Trask |
| Childers, Don | Henderson | Renick | Vogt |
| Childers, W. D. | Holloway | Sayler | Ware |
| Dunn | Johnston | Scarborough | Williamson |
| Firestone | Lewis | Scott | Wilson |
| Gallen | MacKay | Skinner | Winn |
| Glisson | McClain | Spicola | Zinkil |

Prayer by the Rev. Ray Finklea, pastor, St. Paul's United Methodist Church, Tallahassee:

Our Father, God, we thank you for this day. We thank you for the time it affords us to work, achieve and progress. We thank you for the time it affords this body—time to consider important matters, time to deal with pressing issues, time to work out compromises in the search for the best solution to real problems, time to seek the best ways to accomplish the greatest good for the people of the state.

May the members of this body use this day wisely. May each one be committed to what he or she believes to be right, but may every one be open enough to see that he or she could be wrong. And in all their deliberations and decisions may they seek and be receptive to your guidance.

This day, take the efforts, energies and achievements of this body and mold them all into useful legislation for the good of the people of this state. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, May 12, 1977:

| | | |
|-----------------------|----------------|---------------|
| SB 1455 | SB 1108 | SB 1062 |
| SB 979 | SB 904 | SB 222 |
| SB 981 | CS for SB 1082 | SB 1230 |
| SB 849 | SB 778 | SB 742 |
| SB 877 | SB 1343 | SB 185 |
| SB 532 | HB 526 | SB 326 |
| SB 1134 | SB 971 | SB 147 |
| SB 208 | SB 358 | SB 500 |
| SB 922 | SB 404 | SB 489 |
| SB 1192 | SB 550 | SB 684 |
| CS for SB's 290 & 291 | HB 1238 | CS for SB 486 |
| CS for SB 946 | HB 592 | SB 406 |
| SB 1251 | SB 1067 | SB 253 |

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Judiciary-Criminal recommends the following pass: HB 2127 with 2 amendments

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 216 with 1 amendment

The bill was placed on the calendar.

The Committee on Corrections, Probation and Parole recommends a Committee Substitute for the following: SB 987

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 1029

The bill with Committee Substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Finance, Taxation and Claims recommends a Committee Substitute for the following: SB 1257

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: CS for SB 960

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 1023 was withdrawn from the Committee on Commerce.

On motion by Senator Gordon, by two-thirds vote SB 1257 was recommitted to the Committee on Finance, Taxation and Claims.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 1376, 1210, 938, 953 and 1111 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 1165 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 1454 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Scarborough, the rules were waived and by two-thirds vote Senate Bills 1091 and 1159 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 1095, 1301, and House Bills 35, 45 and 631 were withdrawn from the Committee on Appropriations.

On motion by Senator Pat Thomas, the rules were waived and by two-thirds vote SB 1132 was withdrawn from the Committee on Judiciary-Criminal.

REQUESTS FOR EXTENSION OF TIME

The Committee on Appropriations requests an extension of 15 days for consideration of the following:

| | |
|---|--|
| SB 22 by Senator Graham | SB 60 by Senator Spicola |
| CS for SB 23 by Committee on Governmental Operations and Senator Graham | CS for SB 66 by Committee on Personnel, Retirement and Collective Bar- |

- gaining and
Senator Pat
Thomas
- CS for SB 72 by Committee on
Judiciary-Criminal
and Senator
Graham
- SB 88 by Senator Renick
SB 196 by Senator Glisson
SB 219 by Senator Holloway
SB 234 by Senator Jon
Thomas
- SB 244 by Senators Hollo-
way, Renick, and
Poston
- SB 256 by Senator Hair
(by request)
- SB 262 by Senator Holloway
SB 263 by Senator Firestone,
et al
- CS for SB 301 by Committee on
Personnel, Retire-
ment and Collec-
tive Bargaining
and Senator
Spicola
- CS for SB 306 by Committee on
Personnel, Retire-
ment and Collec-
tive Bargaining
and Senator
Lewis, et al
- SB 315 by Senators Scott,
Williamson, Zin-
kil and Jon
Thomas
- SB 357 by Senator Firestone
SB 364 by Senator Graham
SB 372 by Senator MacKay
and Dunn
- SB 413 by Senator Tobiasen
SB 429 by Senators MacKay
and Gordon
- SB 526 by Senator Gordon
SB 574 by Senator Graham
SB 583 by Senator Glisson
SB 591 by Senator Ware
SB 601 by Senator Castor
- CS for SB 605 by Committee
on Natural Re-
sources and Con-
servation and
Senator Jon
Thomas
- SB 606 by Senator Hair, et al
SB 618 by Senator Dunn
SB 637 by Senator Holloway
SB 640 by Senators Hollo-
way, Poston and
Renick
- SB 658 by Senators Fire-
stone, McClain,
Myers and Hair
- CS for SB 669 by Committee on
Corrections, Pro-
bation and Pa-
role and Senators
Pat Thomas,
Dunn, Renick, et al
- SB 734 by Senator Lewis
(by request), et al
- SB 735 by Senators Dunn,
Winn, Firestone
and Castor
- CS for SB 752 by Committee on
Health and Reha-
bitative Services
and Senators
Plante and Don
Childers
- CS for SB 762 by Committee on
Personnel, Retire-
ment and Collec-
tive Bargaining
and Senator
Saylor, et al
- CS for SB 773 by Committee on
Commerce and
Senator Winn
- SB 782 by Senators Myers
and Poston, et al
- SB 823 by Senator Johnston
SB 841 by Senators Poston,
Myers, and
Scarborough
- SB 852 by Senators Dunn,
Zinkil, et al
- CS for SB 866 by Committee on
Corrections, Pro-
bation and Pa-
role and Senator
Scarborough
- CS for SB 872 by Committee
on Health and
Rehabilitative
Services and Sen-
ator Graham
- SB 873 by Senator Graham
SB 881 by Senator Lewis
SB 885 by Senators Jon
Thomas and Ware
- SB 888 by Senator Dunn
- CS for SB 936 by Committee on
Natural Resources
and Senator
Jon Thomas
- SJR 943 by Senators MacKay,
Saylor, et al
- SB 949 by Senator Holloway
SB 993 by Senator Jon
Thomas
- SB 1069 by Senators Gorman,
Vogt and Saylor
- SB 1093 by Senator Spicola
SB 1094 by Senator Spicola
(by request)
- SB 1117 by Senator MacKay,
et al
- SB 1268 by Senator Gordon
SB 1296 by Senator Spicola
SB 1298 by Senator Pat
Thomas, et al
- SB 1313 by Senator Scott
SB 1351 by Senator Vogt
SB 1379 by Senator Henderson
- SB 1384 by Committee on
Health and Re-
habilitative Serv-
ices
- SB 1392 by Senator Plante
HB 994 by Committee on
Community Af-
fairs
- HB 1082 by Representative
McPherson
- SB 738 by Senator Firestone
SB 739 by Senator Firestone
SB 740 by Senator Firestone
SB 741 by Senator Firestone
SB 409 by Senator Tobiasen
SB 1115 by Senator Lewis
SB 1126 by Senator Scar-
borough
- SB 1127 by Senator Scott
SB 1133 by Senator Pat
Thomas
- SB 1140 by Senator
Williamson
- SB 1141 by Senator
Williamson
- SB 1142 by Senator
Williamson
- SB 1147 by Senator
Williamson
- SB 1148 by Senator McClain
SB 1151 by Senator Plante
SB 1163 by Senator Ware,
et al
- SB 1166 by Senator
Williamson
- SB 1169 by Senator Johnston
- SB 1173 by Senators Plante,
Winn, Ware, et al
- The Committee on Corrections, Probation and Parole requests
an extension of 15 days for consideration of the following:
- SB 795 by Senator Lewis
SB 879 by Senator
Scarborough
- HB 441 by Representative
Hazelton and others
- SB 1179 by Senators W. D.
Childers, Barron
- HB 1103 by Representative
Blackburn and
others
- The Committee on Finance, Taxation and Claims requests an
extension of 15 days for consideration of the following:
- SB 205 by Senator Lewis
SB 348 by Senator Plante
SB 395 by Senators
Plante and others
- SB 441 by Senator Trask
SB 509 by Senator
Henderson
- SB 511 by Economic,
Community and
Consumer Affairs
Committee
- SB 512 by Economic,
Community and
Consumer Affairs
Committee
- SB 513 by Economic,
Community and
Consumer Affairs
Committee
- SB 518 by Senator
Gorman and others
- SB 519 by Transportation
Committee
- SB 775 by Senator Johnston
SB 855 by Senator Glisson
SB 863 by Senator
Henderson and
others
- SB 917 by Senator
Jon Thomas
- SB 935 by Senator
Gorman and others
- SB 950 by Senator
Lewis and others
- SB 1189 by Senator
Pat Thomas
- SB 1194 by Senator Gordon
SB 1233 by Senator Gordon
SB 1235 by Senator
Trask and others
- SB 1253 by Senator
Poston and others
- SB 1266 by Senator Gordon
SB 1285 by Senator Gordon
SB 1303 by Senator Gordon
SB 1306 by Senator Firestone
SB 1340 by Senator Gordon
SB 1358 by Senator Gordon
SB 1365 by Senator Gordon
SB 1370 by Senator Gordon
SB 1373 by Senator Gordon
SB 1383 by Senator Gordon
SB 1385 by Senator Gordon
SB 1399 by Senator Gordon
SB 1405 by Senator Gordon
SB 1433 by Senator Gordon
SB 1435 by Senator Gordon
SB 1442 by Senator Myers
HB 24 by Representative
Martin
- HB 40 by Representative
Rish and others
- CS for HB 518 & 618 by
Community Affairs
Committee
- HB 884 by Representative
Neal
- HB 1068 by Representative
James
- HB 2064 by Representative
Brown and others
- The Committee on Governmental Operations requests an ex-
tension of 15 days for consideration of the following:
- SB 1183 by Senator Gordon
- SB 1186 by Senator Graham
- The Committee on Judiciary-Criminal requests an extension
of 15 days for consideration of the following:
- SB 101 by Senator
Scarborough
- SB 757 by Senator
Tobiasen
- SB 1060 by Senator
Firestone
- SB 1250 by Senator Dunn
SB 1292 by Senator McClain
- SB 1322 by Senator Dunn
SB 1341 by Senator Gallen
SB 1396 by Senator Johnston
SB 1424 by Senator
Jon Thomas
- SB 1441 by Senator Dunn
SB 1444 by Senator
Henderson
- The Committee on Natural Resources and Conservation re-
quests an extension of 15 days for consideration of the follow-
ing:
- SB 140 by Senator
Henderson
- SB 312 by Senator Saylor
SJR 362 by Senators
Henderson and
Jon Thomas
- SB 693 by Senator
Jon Thomas
- SB 772 by Senator Saylor
- SB 777 by Senator Barron
SB 801 by Senator Lewis
SB 1278 by Senator Scott
SB 1315 by Senator
Scarborough
- SB 1320 by Senator Spicola
SB 1339 by Senators Spicola
and Saylor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to CS for SB 563 and requests a Conference Committee.

Allen Morris, Clerk

On motion by Senator Hair the Senate acceded to the request of the House of Representatives that a Conference Committee be appointed.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 324 and HB 226 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives McPherson and Richmond—

HB 324—A bill to be entitled An act relating to cigarettes; amending s. 210.15(1)(f), Florida Statutes, and adding paragraph (8) thereto; providing a penalty for engaging in certain activities in the cigarette business without obtaining a cigarette permit; amending s. 210.18(6), Florida Statutes, and adding a subsection; prohibiting the possessing, removing, depositing, or concealing, or aiding therein, of more than 10 cartons of cigarettes on which the tax has not been paid with the intent to defraud; prohibiting the possessing, removing, depositing, or concealing, or aiding therein, of more than 50 cartons of cigarettes on which the tax has not been paid with the intent to sell; providing that it is unlawful to do certain acts which amount to a conspiracy to violate provisions of law relating to tax on cigarettes; increasing the renewal fees for cigarette permits for wholesale dealers or exporters; providing penalties; adding subsection (5) to s. 210.05, Florida Statutes, authorizing the sale of stamped but untaxed cigarettes by agents and wholesale dealers to the Seminole Indian Tribe or members thereof for retail sale; amending subsection (1) of s. 561.01, section 561.02 and section 210.10(1), Florida Statutes, changing the name of the Division of Beverage of the Department of Business Regulation to the Division of Alcoholic Beverages and Tobacco; providing that the Division of Statutory Revision and Indexing be authorized and directed to change the statutes to reflect the change of name; amending s. 210.01, Florida Statutes, by creating a new subsection (18); defining the term "unstamped package"; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations; Finance, Taxation and Claims; and Judiciary-Criminal.

By Representative Adams and others—

HB 226—A bill to be entitled An act relating to mobile home parks; amending s. 83.765(1), Florida Statutes, 1976 Supplement; prohibiting mobile home park owners from denying mobile home owners the right to place "For Sale" signs on their mobile home; providing grounds for denial of entry with respect to the purchase of a mobile home in a mobile home park; requiring that such denial must be in writing and must delineate reasons therefor; providing for appeal of such denial through the court system; removing a limitation; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 43 HB 300 CS for HB 129

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Rish and Hutto—

HB 43—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021(19), Florida Statutes, 1976 Supplement, expanding the definition of "prior service" for the Florida Retirement System to permit the purchase of retirement credit for employment during which no contributions were made, under certain circumstances, and to permit purchase of service when no contributions were made due to a written rejection of the system; amending s. 121.051(2)(a), Florida Statutes, authorizing certain employees who had rejected membership in the Florida Retirement System to withdraw such rejection and participate in the system; amending s. 121.081(2), Florida Statutes, 1976 Supplement, providing the interest rate at which prior service must be purchased for certain prior employment under which no contributions were made; providing for the purchase of creditable service by certain officers or employees who possess 40 years of creditable service; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representative Craig—

HB 300—A bill to be entitled An act relating to the district school system; amending s. 230.061(1), Florida Statutes, requiring district school board member residence areas to be based on population rather than on the number of qualified electors; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By the Committee on Education and Representative Maxwell—

CS for HB 129—A bill to be entitled An act relating to traffic safety; amending s. 234.082, Florida Statutes, which requires that school boards notify appropriate agencies of highway hazards to pupils, to provide for notification of the entity responsible for correction of the hazard; requiring such entities, rather than the school boards, to take precautions to safeguard pupils until the hazard is corrected; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 416 CS for HB 88 HB 170

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gordon—

HB 416—A bill to be entitled An act relating to mental health; amending s. 917.13, Florida Statutes, providing definitions; amending s. 917.14, Florida Statutes, providing for certification of a defendant for hearing; amending s. 917.17, Florida Statutes, relating to appointment of experts and contempt of court; creating s. 917.175, Florida Statutes, providing for reports by experts; creating s. 917.176, Florida Statutes, providing for examinations by experts; amending s. 917.18, Florida Statutes, relating to hearings to provide counsel for an indigent defendant; amending s. 917.19, Florida Statutes, providing for commitment to the Department of Health and Rehabilitative Services rather than to the Department of Offender Rehabilitation; amending s. 917.20, Florida Statutes, providing for periodic examinations, discharge procedures of the department and commencement of civil proceedings by the court; amending s. 917.21, Florida Statutes, providing for the jurisdiction of the committing court and for certain treatment decisions to be made by the department; creating s. 917.215, Florida Statutes, providing for commencement of criminal proceedings; creating s. 917.216, Florida Statutes, providing for probation and training programs for outpatient therapists; creating s. 917.217, Florida Statutes, providing for work-release and community furlough programs; creating s. 917.218, Flor-

ida Statutes, providing for time spent in admission procedure to count as gain-time; amending s. 917.22, Florida Statutes, relating to confidentiality of records, to specify exceptions; creating s. 917.225, Florida Statutes, providing for information and documentation responsibilities of the court upon commitment of an offender to the department; amending s. 917.25, Florida Statutes, providing for fees paid by the offender; creating s. 917.29, Florida Statutes, providing for clearing of the courtroom and providing exceptions; creating s. 917.31, Florida Statutes, authorizing the department to establish mental health research and treatment centers; creating s. 917.32, Florida Statutes, requiring the department to conduct research; repealing chapter 801, Florida Statutes, the "Child Molester Act," and encompassing the provisions thereof in this act; repealing ss. 917.15, 917.16, 917.26, 917.27, and 917.28, Florida Statutes, relating to procedures for hearings, examinations, and custody of mentally disordered sex offenders; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Judiciary-Criminal, and Appropriations.

By the Committee on Health & Rehabilitative Services and Representatives Hutto and Cherry—

CS for HB 88—A bill to be entitled An act relating to juveniles; creating s. 39.125, Florida Statutes, authorizing news disseminating agencies to publish the names of juveniles and their parents or guardians in connection with violations of law for which such juveniles have been charged; amending s. 39.03 (6)(a), Florida Statutes; permitting the fingerprinting and photographing of 16 or 17 year old children under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, and Judiciary-Criminal.

By Representative Fontana—

HB 170—A bill to be entitled An act relating to the State Career Service System; repealing s. 110.051(3), Florida Statutes, which provides that employees of the Department of Criminal Law Enforcement are exempt from the provisions of s. 110.061, Florida Statutes, 1976 Supplement, relating to suspensions, dismissals, reductions in pay, demotions, layoffs, and transfers; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed—

| | | |
|--------------|--------|--------|
| HB 606 | HB 126 | HB 73 |
| CS for HB 86 | HB 294 | HB 161 |
| HB 196 | HB 220 | |

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richard—

HB 606—A bill to be entitled An act relating to stolen property; adding subsection (7) to s. 812.031, Florida Statutes, 1976 Supplement, providing that stolen property retains its character as stolen property for purposes of the unlawful receipt of stolen property until certain conditions are met; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Representative Redman—

HB 126—A bill to be entitled An act relating to naturopathy; amending s. 462.04(1), Florida Statutes, providing that the Board of Naturopathic Examiners shall meet only once a year; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By Representatives McKnight and Black—

HB 73—A bill to be entitled An act relating to the Florida Hazardous Substances Law; adding subsection (8) to s. 501.075, Florida Statutes, prohibiting the introduction, delivery for introduction, or receipt and subsequent delivery or proffered delivery in commerce of a hazardous substance in an improperly sealed container; providing that the use of such a container results in the substance being labeled a banned hazardous substance; providing a definition; indicating applicable penalties and remedies; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Commerce.

By the Committee on Commerce and Representative Pajcic—

CS for HB 86—A bill to be entitled An act relating to insurer insolvency; creating s. 631.397, Florida Statutes; requiring the Department of Insurance, as receiver of an insolvent insurer, to apply for court approval of a proposal to disburse certain marshaled assets of such insurer to associations entitled thereto including the Florida Insurance Guaranty Association, Incorporated and similar associations in other states which have similar laws; providing for approval of other appropriate relief; specifying minimum contents of such proposals; requiring notice of such application; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Representative Steinberg—

HB 294—A bill to be entitled An act relating to fraudulent practices; creating s. 817.562, Florida Statutes, providing that certain practices by a person who has created a security interest in personal property securing a monetary obligation constitute fraud; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Criminal and Commerce.

By Representative Becker—

HB 161—A bill to be entitled An act relating to juries; amending s. 40.09, Florida Statutes, authorizing certain counties to abolish their jury commission and empower the court administrator to perform the commission's duties without regard to any special law or general law of local application to the contrary; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Representative Redman—

HB 196—A bill to be entitled An act relating to financial matters of the state; adding subsection (4) to s. 215.44, Florida Statutes, directing the Board of Administration to prepare and approve an operating budget; creating s. 215.515, Florida Statutes, providing that the board shall make charges for all investment services performed for any agency or fund pursuant to any provision of law; directing the Department of Administration to review such charges; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Representatives Maxwell and Healey—

HB 220—A bill to be entitled An act relating to collective bargaining; amending s. 447.401, Florida Statutes, providing that no certified employee organization shall be required to process a grievance for any public employee who is not a member of the organization; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 380 which he had approved May 11, 1977.

On motion by Senator Lewis, the rules were waived and staff members of the Committee on Appropriations were granted privileges of the floor during consideration of SB 1455.

SPECIAL ORDER

SB 1455—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978 TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY-BUILDING AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; SUSPENDING SECTIONS 23.027, 25.073, 27.34(2), 27.54(3), 215.32(2)(C), 216.182(1), 216.221, 216.262, 216.291(2)(A), 216.292, 216.301, 216.301(2), 216.351, PART II, CHAPTER 218, 230.765, 230.767(2), 236.081(1)(C), 236.081(3), 240.046, 257.22, 287.161, AND 402.17(3), F.S., CHAPTER 76-285, LAWS OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

—was read the second time by title.

On motion by Senator Plante, the rules were waived and time of adjournment was extended until final consideration of SB 1455.

Senator Plante raised a point of order that the proviso language in the appropriations bill would substantially change general law which is prohibited in Section 12, Article III of the Constitution, and cited Item 518, Health and Rehabilitative Services Department salaries and benefits in the Office of the Secretary; Item 538, Data Processing Services; Item 738A, Supreme Court, Judicial Salary Adjustments; Item 769, County Courts, additional compensation for County Judges; Item 157, Hotels and Restaurants Division, Data Processing Services; Item 349, Public Schools Division, Grants and Aids; Item 367B, Public Schools—Common Software; and Item 489, Motor Pool Division, Data Processing Services.

The President referred the point of order to Senators Gallen, Plante, Gordon, MacKay and Ware, and requested them to confer with Steve Kahn, general counsel for the Senate, and to advise the Chair as to their recommendations on the point by Senator Plante.

The point of order was subsequently researched and the following is the report and ruling:

Senator Gallen: Mr. President, Senators, on the point raised by Senator Plante, that certain provisions in the appropriations bill are unconstitutional in that they are contrary to provisions of the Constitution which provide that the appropriations bill will not contain any other subject and several other provisions of the Constitution which the courts have ruled on in striking down provisions of law, it is my opinion, based on the precedents I have been able to find, that it is not the authority of the chairman of a presiding body, and therefore the President of the Senate, to make rulings on constitutional questions, so they are not properly raised by a point of order.

We have a number of precedents from Hinds' Precedents of the U.S. House which support that position. Also, the Florida House of Representatives has similar precedents.

The President asked the Chairman of Rules the following questions, stating he wanted to set the ruling in proper perspective for the future.

"Do you and your committee find anything in the rules of the Senate which speaks to a prohibition of substantive language in a general appropriations bill?"

Senator Gallen responded in the negative.

"Do you further find anything in the rules of the Senate which speaks to the authority of the presiding officer, or the body, as to the constitutionality or non-constitutionality of a proposal under consideration?"

Senator Gallen responded in the negative.

The President then ruled that either side of the question could be argued but since the issue on substantive language in the appropriations act is not spoken to specifically by the rules of the Senate the point was not well taken.

The President Pro Tempore presiding

The President presiding

Senator Lewis moved the following amendments which were adopted:

Amendment 1—After Item 254A insert the following proviso: The Department shall have authority to promulgate rules and regulations pursuant to Chapter 120, Florida Statutes, to establish criteria, administer and distribute the funds appropriated in Item 254A.

Amendment 2—

| | Strike: | Insert: |
|---------------------------------|--------------|--------------|
| Item 505: Salaries and Benefits | 59 Positions | 60 positions |

Senators Lewis and Myers offered the following amendment which was moved by Senator Lewis and adopted:

Amendment 3—After Item 614 insert the following proviso language: It is the intent of the Legislature that the Department of HRS establish a system of evaluation which will monitor and show results of the START Center program and each START Center within it. In establishing this evaluation system, the Department shall adopt a unified statement of purpose and goals for all START Centers. Monitoring and screening procedures shall be established and followed for each START Center in the state. Staff level recommendations from the START Centers shall be considered and incorporated in the above evaluation process.

Senators Jon Thomas and Lewis offered the following amendment which was moved by Senator Lewis and adopted:

Amendment 4—Item 555-568: insert the following proviso language: Medicaid—HMO Services "Contingent upon the continued receipt of the appropriate federal Medicaid waiver, funds within line items 555 to 568 may be used as contract for service funds for health maintenance organizations or prepaid group health clinics or centers, public or private, for services provided to Medicaid eligible clients, to the extent of \$4 million."

Senators Lewis and Plante offered the following amendments which were moved by Senator Lewis and adopted:

Amendment 5—Following Item 738-B insert the following proviso language: Contingent upon passage of SB 256 or similar enabling legislation

Amendment 6—After Item 758-A insert the following proviso: Provided that the funds in line item 758-A are appropriated contingent upon passage of SB 1296 or similar enabling legislation.

Amendment 7—After Item 768-A insert the following proviso: Provided that the funds in line item 768-A are appropriated contingent upon passage of SB 1296 or similar enabling legislation.

Senator Barron was recorded as voting nay on Amendment 7.

Senators Lewis and W. D. Childers offered the following amendment which was moved by Senator Lewis and adopted:

Amendment 8—Under "Transportation, Department of," insert the following: Provided, in the event SB 782 or similar legislation allocating motor vehicle license fees to the Department of Transportation becomes law, the General Revenue moneys appropriated herein to the Department shall be reserved and shall not be used.

Senator Lewis moved the following amendment which was adopted:

Amendment 9—

| | Strike: | Insert: |
|--|--------------|--------------|
| On page 146, after the words "anticipate the transfer of": | \$39,700,000 | \$51,700,000 |

Senator Peterson moved the following amendment which was adopted:

Amendment 10—

| | Strike: | Insert: |
|---------------------------------------|-----------|-----------|
| Item 400B: | | |
| Lump Sum | | |
| Law School Supplements | | |
| From General Revenue Fund | \$300,000 | \$400,000 |
| and | | |
| In line 1, paragraph 4 of the proviso | | |
| language on page 45 | \$150,000 | \$250,000 |

Senator Johnston moved the following amendment which was adopted:

Strike: Insert:

Amendment 11—Item 356A: School Volunteer Program

From General Revenue Fund 205,500 241,500

Senator McClain moved the following amendment which failed:

Amendment 12—Item 555:

Strike: Insert:
25,258,847 27,232,799

Senator Scarborough presiding

Senator Gordon moved the following amendment which failed:

Amendment 13—Item 573:

| | Strike: | Insert: |
|-------------------------------------|-----------|-----------|
| Special Categories | | |
| Emergency Shelter Care for Children | | |
| From General Revenue Fund | 598,528 | 700,684 |
| From Federal Aid Trust Fund | | |
| Title XX | 1,795,583 | 2,102,052 |

Senator Gordon moved the following amendment:

Amendment 14—Item 574:

| | Strike: | Insert: |
|--------------------------------|------------|------------|
| Special Categories | | |
| Foster Home Care for Children | | |
| From General Revenue Fund | 12,155,453 | 12,398,219 |
| From Services Trust Fund | 1,962,916 | 2,000,045 |
| From Special Grants Trust Fund | 25,387 | 25,672 |

The President presiding

Amendment 14 failed by the following vote:

Yeas—15

| | | | |
|---------------|----------|--------|-------------|
| Castor | Gordon | MacKay | Skinner |
| Chamberlin | Graham | Myers | Thomas, Pat |
| Childers, Don | Holloway | Poston | Wilson |
| Firestone | Johnston | Renick | |

Nays—21

| | | | |
|-----------------|-------------|-------------|------------|
| Mr. President | Lewis | Scott | Ware |
| Childers, W. D. | McClain | Spicola | Williamson |
| Gallen | Peterson | Thomas, Jon | Zinkil |
| Gorman | Plante | Tobiassen | |
| Hair | Saylor | Trask | |
| Henderson | Scarborough | Vogt | |

On motion by Senator Gallen, the rules were waived and the Senate recessed at 12:05 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m.
A quorum present—40:

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Gordon | Myers | Thomas, Jon |
| Barron | Gorman | Peterson | Thomas, Pat |
| Castor | Graham | Plante | Tobiassen |
| Chamberlin | Hair | Poston | Trask |
| Childers, Don | Henderson | Renick | Vogt |
| Childers, W. D. | Holloway | Saylor | Ware |
| Dunn | Johnston | Scarborough | Williamson |
| Firestone | Lewis | Scott | Wilson |
| Gallen | MacKay | Skinner | Winn |
| Glisson | McClain | Spicola | Zinkil |

The Senate resumed consideration of—

SB 1455—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978 TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY-BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; SUSPENDING SECTIONS 23.027, 25.073, 27.34(2), 27.54(3), 215.32(2)(C), 216.182(1), 216.221, 216.262, 216.291(2)(A), 216.292, 216.301, 216.301(2), 216.351, PART II, CHAPTER 218, 230.765, 230.767(2), 236.081(1)(C), 236.081(3), 240.046, 257.22, 287.161, AND 402.17(3), F.S., CHAPTER 76-285, LAWS OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

Senator Graham moved the following amendment which failed:

Amendment 15—Item 608 not used

Insert:

Item 608 31 positions 285,130

Senators Graham and Jon Thomas offered the following amendment which was moved by Senator Graham and adopted:

Amendment 16—Item: 635B not used

Insert: proviso

635B Item: Provided, however, Grants by the Federal government under the Intermediate Care Facilities for the Mentally Retarded Program, pursuant to Title XIX, U.S. Code, shall be used only to supplement state funds appropriated for the care of the mentally retarded and shall not be used to supplant such state funds. Funds acquired pursuant to this federal program shall be utilized for either institutional or community based retardation programs.

Senator MacKay moved the following amendment:

Amendment 17—

| Item 1093 | Strike: | Insert: |
|---------------------------|-------------|-------------|
| Grants and Aids | | |
| Library Grants | | |
| From General Revenue Fund | \$1,400,000 | \$3,218,603 |

Increases state aid to local libraries by \$1,818,603.

Amendment 17 failed by the following vote:

Yeas—15

| | | | |
|---------------|----------|---------|---------|
| Castor | Glisson | MacKay | Spicola |
| Childers, Don | Gordon | Myers | Winn |
| Dunn | Graham | Poston | Zinkil |
| Firestone | Johnston | Skinner | |

Nays—17

| | | | |
|-----------------|----------|-------------|------------|
| Mr. President | Holloway | Saylor | Williamson |
| Barron | Lewis | Scarborough | Wilson |
| Childers, W. D. | McClain | Scott | |
| Gorman | Peterson | Vogt | |
| Hair | Plante | Ware | |

Vote after roll call:

Yea—Tobiassen

Senator Firestone moved the following amendment which failed:

Amendment 18—

| Item | Strike: | Insert: |
|------------------------------|-----------|------------|
| 609 Positions | 2138 | 2,219 |
| 609 Salaries and Benefits | | |
| From General Revenue | 9,500,464 | 10,080,313 |
| 611 Expenses | | |
| From General Revenue | 3,982,030 | 4,161,439 |
| 612 Operating Capital Outlay | | |
| From General Revenue Fund | 202,109 | 232,730 |

Senator Jon Thomas moved the following amendment which failed:

Amendment 19—

After Item 603 insert: Funds provided in items 600—603 are for the operation of the four mental hospitals: Florida State, G. Pierce Wood, Northeast Florida, and South Florida. It is the intention of the Legislature that these funds shall be allocated to the institutions in a pattern which will achieve a proportional staff to patient staffing ratio among the hospitals.

Senator Lewis moved the following amendment which was adopted:

Amendment 20—

After Item 1160, insert the following: It is the intent of this legislature that moneys appropriated herein for the Dade Area Rapid Transportation project shall be expended for construction purposes only, and no moneys herein shall be expended for operation of said project.

Senator MacKay moved the following amendment which failed:

Amendment 21

| Item | Strike: | Insert: |
|--------------------------|-----------|-----------|
| Item 291 Data Processing | | |
| From General Revenue | 2,917,012 | 2,952,712 |

Senator Scarborough presiding

Senators Zinkil, Scott, Williamson and Jon Thomas offered the following amendment which was moved by Senator Zinkil:

Amendment 22—Item 349 Strike: "To provide its share of local required effort, each district shall levy a millage rate on the official final 1977 tax roll which produces the same yield as applying 7.0 mills on the estimated 1977 tax roll used by the Legislature to calculate the appropriation. Each district which receives funds appropriated in the Florida Education Finance Program shall not levy a millage on the official final 1977 tax roll which is in excess of that millage which produces the same yield as applying 8.0 mills on the estimated 1977 tax roll used by the Legislature to calculate the appropriation, exclusive of millage voted under the provisions of subsection 9(b) and 12 of Article VII of the state constitution. However, no district shall levy a non-voted millage rate in excess of 8 mills on the official final 1977 tax roll." and insert: The required local effort shall be 6.4 mills on the official final tax roll.

Senators MacKay, Sayler and Zinkil offered the following substitute amendment which was moved by Senator MacKay:

Amendment 23—On page 34, Item 349, after the proviso ending with the words: "on the official final 1977 tax roll." insert: The required local effort shall be 6.3 mills on the official final tax roll.

The President presiding

Amendment 23 failed by the following vote:

Yeas—15

| | | | |
|---------------|-----------|-------------|------------|
| Chamberlin | Henderson | Sayler | Williamson |
| Childers, Don | Holloway | Scott | Wilson |
| Dunn | Johnston | Thomas, Jon | Zinkil |
| Glisson | MacKay | Ware | |

Nays—25

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Gorman | Plante | Tobiassen |
| Barron | Graham | Poston | Trask |
| Castor | Hair | Renick | Vogt |
| Childers, W. D. | Lewis | Scarborough | Winn |
| Firestone | McClain | Skinner | |
| Gallen | Myers | Spicola | |
| Gordon | Peterson | Thomas, Pat | |

Senators Graham, Castor and McClain offered the following substitute amendment which was moved by Senator Graham:

Amendment 24—

| Item | Strike: | Insert: |
|-----------------------------------|---------|---------------|
| 349 Grants and Aids | | |
| Florida Education Finance Program | | |
| From General Revenue | | \$961,512,842 |
| and all proviso language | | |
| 349 Grants and Aids | | |
| Florida Education Finance Program | | |
| From General Revenue | | \$991,512,842 |

For distribution of the funds appropriated in Item 349, the following weighted FTE Program Caps shall be used: Special Programs for Exceptional Students 217,538; Special Programs for Vocational Education 344,773; and, Special Adult General Education Programs 37,681. The base student allocation is \$781.74.

The millage rate required for the purposes of Section 236.02(6), Florida Statutes, is 6.7 mills. The District Cost Differential required in Section 236.081 (3), Florida Statutes, shall be the three year moving average for each district, as computed by the Department of Administration for the last three Florida Price Level Index Reports with a base of one.

Amendment 24 failed by the following vote:

Yeas—18

| | | | |
|---------------|----------|---------|------------|
| Castor | Glisson | McClain | Williamson |
| Chamberlin | Graham | Myers | Winn |
| Childers, Don | Holloway | Poston | Zinkil |
| Dunn | Johnston | Renick | |
| Firestone | MacKay | Spicola | |

Nays—20

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Henderson | Scarborough | Tobiassen |
| Barron | Lewis | Scott | Trask |
| Childers, W. D. | Peterson | Skinner | Vogt |
| Gallen | Plante | Thomas, Jon | Ware |
| Hair | Sayler | Thomas, Pat | Wilson |

The question recurred on Amendment 22 which was adopted by the following vote:

Yeas—22

| | | | |
|---------------|-----------|-------------|------------|
| Chamberlin | Graham | Poston | Williamson |
| Childers, Don | Henderson | Renick | Wilson |
| Dunn | Holloway | Sayler | Winn |
| Firestone | Johnston | Scott | Zinkil |
| Glisson | MacKay | Thomas, Jon | |
| Gordon | Myers | Ware | |

Nays—18

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Gorman | Plante | Tobiassen |
| Barron | Hair | Scarborough | Trask |
| Castor | Lewis | Skinner | Vogt |
| Childers, W. D. | McClain | Spicola | |
| Gallen | Peterson | Thomas, Pat | |

Senator MacKay moved the following amendment which failed:

Amendment 25—Item 349 Strike: "Funds for student development services in the amount of \$14,865,295 have been included in the FEFP appropriation. As a result, the base student cost was increased by approximately 7.74" and insert:

For fiscal year 1977-78 each district shall expend at least one and one-tenth percent of the base student allocation multiplied by the full-time equivalent student membership of the district for the support of any or all of the following student development services: career education, elementary guidance counselors, and occupational and placement specialists.

Senator Chamberlin moved the following amendment which failed:

Amendment 26—On page 35, Item 349, insert: If the Commissioner of Education shall determine that the Administrator-Teacher ratio excluding federally funded programs for any school district for the school year 1977-78 is greater than that district's administrator-teacher ratio in 1974-75, 1975-76 or 1976-77, then that district's allocation of state funds for 1977-78 shall be reduced by an amount equal to the excess number of administrators in 1977-78 multiplied by the average salary for administrators for that district.

Senator Scarborough presiding

Senator MacKay moved the following amendment which was adopted:

Amendment 27—Item 350: After the words "Fiscal Year 1977-78," insert: In addition, any unallocated or undistributed funds which were intended for the support of such pilot projects in fiscal years 1975-76 and 1976-77 shall carry forward and be made available for this purpose in fiscal year 1977-78.

Senators Peterson and W. D. Childers offered the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 28—

| Item | Strike: | Insert: |
|---|-------------|-------------|
| 431: Community Hospital Education Program | | |
| From General Revenue Fund | \$2,969,802 | \$3,069,802 |

Following this item insert the following proviso language:

From the funds appropriated in Item 431, \$100,000 shall be allocated for establishing a Family Practice Residency Program in Pensacola.

Senator Saylor moved the following amendment which was adopted:

Amendment 29—

| Item: | Strike: | Insert: |
|------------------------------------|---------|---------|
| 485 Salaries & Benefits Positions | 42 | 32 |
| From General Revenue | 329,083 | 146,980 |
| 486 OPS | | |
| From General Revenue | 2500 | 0 |
| 487 Expenses | | |
| From General Revenue | 130,402 | 22,800 |
| From Bureau of Aircraft Trust Fund | 150,750 | 0 |
| 488 OCO | | |
| From General Revenue | 970,000 | 0 |
| From Bureau of Aircraft Trust Fund | 30,000 | 0 |
| 489 Data Processing Services | | |
| From General Revenue | 4,819 | 0 |

Provided, that the Kingair be transferred to the Governor's Office for any official use determined by him and that the remaining planes in the Aircraft Pool be sold and the funds deposited into the General Revenue Fund unallocated. Provided further, that any funds left in the Bureau of Aircraft Trust Fund on June 30, 1977 be deposited in the General Revenue Fund unallocated.

The vote was:

Yeas—20

| | | | |
|------------|-----------|---------|------------|
| Barron | Gorman | MacKay | Spicola |
| Castor | Graham | McClain | Vogt |
| Chamberlin | Henderson | Plante | Ware |
| Dunn | Holloway | Renick | Williamson |
| Gordon | Johnston | Saylor | Winn |

Nays—17

| | | | |
|-----------------|----------|-------------|-----------|
| Childers, Don | Glisson | Scarborough | Tobiassen |
| Childers, W. D. | Lewis | Scott | Trask |
| Firestone | Peterson | Skinner | Wilson |
| Gallen | Poston | Thomas, Pat | Zinkil |

Vote after roll call:

Nay—Hair

Senator Gallen moved the following amendments which were adopted:

Amendment 30—

Item 300 A: Strike after "project.": "Expenditures from this appropriation shall not require the approval of the Department of General Services, the provisions of section 23.027, Florida Statutes, notwithstanding."

Amendment 31—

Item 367 B: Strike after "project.": "Expenditures from this appropriation shall not require the approval of the Department of General Services, the provisions of section 23.027, Florida Statutes, notwithstanding."

Amendment 32—

Item 349: Strike: "Notwithstanding section 236.081(1)(C), F.S., the Department of Education shall allocate these weighted program caps, using the same methodology as used by the Legislature in generating these program caps."

The President presiding

Amendment 33—

At the end of Item 349 insert: Provided, however, that if the Legislature does not affirmatively act to amend section 236.081, Florida Statutes the current law shall be the guide for calculation of the weighted full-time equivalent students, the district cost differentials, the program weights and the program caps.

Amendment 34—

Item 400C strike: "Section 216.291(2)(A), F.S., it is legislative intent that, if funds for the purchase of additional books, periodicals, etc., become available from the public education capital outlay trust" and insert: Sections 216.292(2)(A), and 216.351, F.S., it is legislative intent that, if funds for the purchase of additional books, periodicals, etc., become available from the public education capital outlay trust and debt service

Senator Graham moved the following amendment which failed:

Amendment 35—Item 591 A

| | Strike: | Insert: |
|-----------------------------|---------|-----------|
| From General Revenue | 453,984 | 1,068,984 |
| From Federal Aid Trust Fund | 284,217 | 669,217 |

Senator Lewis announced that the meeting of the Committee on Appropriations scheduled for this day was cancelled.

Senator Barron presiding

Senator Winn moved that the Senate reconsider the vote by which Amendment 29 was adopted. The motion was adopted by the following vote:

Yeas—20

| | | | |
|-----------------|----------|-------------|-----------|
| Childers, Don | Hair | Scarborough | Tobiassen |
| Childers, W. D. | Lewis | Scott | Trask |
| Firestone | Peterson | Skinner | Wilson |
| Gallen | Poston | Thomas, Jon | Winn |
| Glisson | Renick | Thomas, Pat | Zinkil |

Nays—18

| | | | |
|------------|-----------|---------|------------|
| Barron | Gorman | MacKay | Vogt |
| Castor | Graham | McClain | Ware |
| Chamberlin | Henderson | Plante | Williamson |
| Dunn | Holloway | Sayler | |
| Gordon | Johnston | Spicola | |

The question recurred on Amendment 29 which failed by the following vote:

Yeas—18

| | | | |
|------------|-----------|---------|------------|
| Barron | Gorman | McClain | Vogt |
| Castor | Graham | Myers | Ware |
| Chamberlin | Henderson | Plante | Williamson |
| Dunn | Johnston | Sayler | |
| Gordon | MacKay | Spicola | |

Nays—21

| | | | |
|-----------------|-------------|-------------|--------|
| Childers, Don | Holloway | Scott | Wilson |
| Childers, W. D. | Lewis | Skinner | Winn |
| Firestone | Peterson | Thomas, Jon | Zinkil |
| Gallen | Poston | Thomas, Pat | |
| Glisson | Renick | Tobiassen | |
| Hair | Scarborough | Trask | |

Vote after roll call:

Nay to Yea—Holloway

Senators Graham, Barron and Sayler offered the following amendment which was moved by Senator Graham:

Amendment 36—

| Item | | Strike: | Insert: |
|------|----------------------|------------|------------|
| 672 | General Revenue Fund | 19,931,566 | 19,162,959 |
| 674 | General Revenue Fund | 2,604,361 | 2,248,673 |
| 675 | General Revenue Fund | 583,151 | 571,134 |
| 677 | General Revenue Fund | 2,878,386 | 2,756,106 |
| 678 | General Revenue Fund | 1,849,924 | 1,727,848 |

Amendment 36 failed by the following vote:

Yeas—14

| | | | |
|------------|-----------|------------|--------|
| Barron | Firestone | McClain | Wilson |
| Castor | Gordon | Sayler | Winn |
| Chamberlin | Graham | Spicola | |
| Dunn | MacKay | Williamson | |

Nays—25

| | | | |
|-----------------|-----------|-------------|--------|
| Mr. President | Henderson | Poston | Trask |
| Childers, Don | Holloway | Renick | Vogt |
| Childers, W. D. | Johnston | Scarborough | Ware |
| Gallen | Lewis | Scott | Zinkil |
| Glisson | Myers | Skinner | |
| Gorman | Peterson | Thomas, Pat | |
| Hair | Plante | Tobiassen | |

Senator Plante moved the following amendments which were adopted:

Amendment 37—On page 93, following the Title "Public Defenders" insert the following proviso language: Provided however, from items 790 through 809 \$148,240 are appropriated for public defenders salary adjustments to raise all their salaries to a flat rate of \$39,100. Provided further, these funds are contingent upon passage of enabling legislation.

Amendment 38—On page 90 after the title "State Attorneys", insert the following proviso language: Provided however, from items 770 through 789 \$130,796 are appropriated for state

attorneys salary adjustments to raise each state attorneys salary 15% or to \$41,400 whichever is greater. Provided further, these funds are contingent upon passage of SB 888 or similar enabling legislation.

The President presiding

Amendment 39—On page 86, insert the following proviso language after the title "Judicial Branch": Funds appropriated in items 738A, 743B, 747B, 751B, 755A, 765A, and 769A are contingent upon passage of SB 852 or similar enabling Legislation. Provided further that the funds are appropriated to provide the following salary adjustments

| | |
|--|----------|
| Supreme Court Justice | 46,000 |
| Judges—District Court | 43,700 |
| Judges—Circuit Court | 41,400 |
| Judges—County Court: | |
| Counties with population over 40,000 | \$39,100 |
| Counties with population 40,000 or less who are qualified to preside as circuit judges | \$39,100 |
| Counties with population 40,000 or less | \$29,900 |

Senators Johnston, Plante, Gallen, MacKay, Dunn and Hair offered the following amendment which was moved by Senator Plante and adopted:

Amendment 40—On page 144 strike the following language: "State Attorneys:

| | |
|---|---------|
| Circuits with 100,000 population or less | 36,800 |
| Circuits with a population from 100,001 through 200,000 | 39,100 |
| Circuits with a population from 200,001 through 1,000,000 | 41,400" |
| And insert the following language: | |
| State Attorneys | |
| Circuits with a population of 1,000,000 or less | 41,400 |

Senator Graham moved the following amendment which failed:

Amendment 41—

Item 27:

Strike: "Provided further the amount in Item 27 shall be divided equally among the Regional Planning Councils." and insert: Provided further the amount in Item 27 shall be allocated based on the proportion of the population projection of the region of each council to the population projection of the state as of July 1, 1976.

Senator Plante moved the following amendments which were adopted:

Amendment 42—

| Item | Strike: | Insert: |
|------|--------------------------------|-----------|
| 89 | Fixed Capital Outlay | |
| | Reappropriation of Dade II— | |
| | phase I (Item 45-C, section 2, | |
| | Chapter 76-285) | |
| | From General Revenue | 6,700,000 |

Provided however, that if a site agreeable to the Department of Offender Rehabilitation and the Department of General Services has not been agreed to by Dade County by Aug. 1, 1977, then the funds appropriated in items 72 and 89 shall be utilized for construction of a prison in Volusia, or other location where the site would be acceptable.

Amendment 43—After Item 93 insert the following proviso language: Funds appropriated in items 90, 91, 92, and 93, may be utilized to expand other current institutions provided that it can be shown that the expansions would provide at least as many beds as provided in these line items.

Senators Sayler and Graham offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 44—Item 349: Strike: "NOTWITHSTANDING, SECTION 236.081(3), F.S., THE DISTRICT COST DIFFERENTIALS TO BE USED IN CALCULATING THE FLORIDA EDUCATION FINANCE PROGRAM FOR 1977-78 SHALL BE AS FOLLOWS:

| DISTRICT | COST DIFFERENTIAL | | Strike: | Insert: |
|---------------------|-------------------|-------------------|-----------|-----------|
| BROWARD | 1.0373 | Northwest Florida | \$561,007 | \$500,000 |
| COLLIER | 1.0385 | Suwannee River | 606,038 | 500,000 |
| DADE | 1.0469 | St. Johns River | 581,681 | 400,000 |
| INDIAN RIVER | 1.0063 | South Florida | 750,000 | 400,000 |
| LEE | 1.0105 | Southwest Florida | 750,000 | 400,000 |
| MARTIN | 1.0133 | | | |
| MONROE | 1.0665 | | | |
| PALM BEACH | 1.0443 | | | |
| ALL OTHER DISTRICTS | 1.0000" | | | |

Senators Graham and MacKay offered the following amendment which was moved by Senator Graham and failed:

Amendment 45—Item 349; Strike: "An amount of \$120 for each post-secondary vocational unweighted FTE shall be added to and made a part of the local required effort of each district. Provided, further that the Department of Education during fiscal year 1977-78 shall make a study of the fee structure in occupational or vocational programs in community colleges and school districts to determine the relationship of the fee structure of the students' financial capability. The Department of Education shall report the results of the study to the Legislature no later than February 1, 1978."

Senator Graham moved the following amendment which failed:

Amendment 46—Insert: item 349 A

Sparsity differential
from General Revenue\$5,000,000
Provided that the department shall distribute the sparsity differential pursuant to the formula set forth in 286.081 (1) (f) for students in grades 10 through 12.

Reletter additional items in 349.

Senator Scarborough moved the following amendment:

Amendment 47—

Insert at bottom of page 50:

| Item | Strike: | Insert: |
|-------------------------------------|---------|----------|
| 421A: | | |
| Special Categories | | |
| Labor Law Research | | |
| From Grants and Donation Trust Fund | | \$47,000 |

From the funds appropriated in Item 421A, the Florida State University College of Law shall conduct labor law research and shall provide data and information to the Legislature and to the Executive Branch. Funds shall be transferred from the State Personnel System Trust Fund in the Department of Administration to the Grants and Donations Trust Fund.

Amendment 47 was adopted by the following vote:

Yeas—17

| | | | |
|-----------------|----------|-------------|-------------|
| Castor | Gordon | MacKay | Thomas, Pat |
| Chamberlin | Graham | Myers | Winn |
| Childers, W. D. | Hair | Poston | |
| Dunn | Holloway | Renick | |
| Firestone | Lewis | Scarborough | |

Nays—13

| | | | |
|---------------|---------|-----------|--------|
| Mr. President | Plante | Tobiassen | Zinkil |
| Gallen | Sayler | Trask | |
| Gorman | Scott | Vogt | |
| Peterson | Spicola | Ware | |

Senator Spicola moved the following amendment which failed:

Amendment 48—

| Item | Strike: | Insert: |
|------------------------------------|-------------|-------------|
| 449: Grants and Aids | | |
| Aid To Water Management Districts— | | |
| Operations | | |
| From General Revenue Fund | \$3,248,726 | \$2,200,000 |

In the Proviso:

Provided the funds appropriated in Item 449 are to be allocated to the Districts as follows:

Senator Gallen moved the following amendment which was adopted:

Amendment 49—On page 59, proviso after line 489, strike: "Provided further, that the Navajo airplane currently in the executive aircraft pool be transferred to the Department of Agriculture upon purchase of the jet."

Senators W. D. Childers and Henderson offered the following amendment which was moved by Senator Childers and failed:

Amendment 50—

Strike: Insert:

1082: Expenses
From General Revenue Fund \$187,931 \$197,931

Insert following item 1082; Provided that \$10,000 of the aforementioned \$197,931 of expenses shall be used for the restoration of the Union Bank Building.

Senator Gallen moved the following amendments which were adopted:

Amendment 51—On page 142, section 14, strike "notwithstanding section 216.221, Florida Statutes, The Department of Administration" and insert: the Governor and Cabinet sitting as the Administration Commission

Amendment 52—

Proviso language after item 738A delete the entire paragraph.

Senator Gallen moved the following amendment:

Amendment 53—On page 142:

Proviso language second paragraph: after the paragraph, insert the following language: Provided, however, that the Legislature does not act to amend Section 240.046, F.S., then current law shall prevail.

Senator Graham moved the following substitute amendment which was adopted:

Amendment 54—On page 142: strike: Provided further, notwithstanding Section 240.046, Florida Statutes, no full-time state employee may enroll in the state university system without payment of appropriate registration fees.

Senator Plante moved the following amendment which was adopted:

Amendment 55—On page 144, strike the following language:

| | |
|---|--------|
| Public Defenders: | |
| Circuits with 100,000 population or less | 33,350 |
| Circuits with a population from 100,002 through 200,000 | 35,650 |
| Circuits over 200,000 | 37,950 |
| And insert the following language: | |
| Public Defenders | 39,100 |

Senator Pat Thomas moved the following amendment which was adopted:

Amendment 56—Insert a new Section 28: Notwithstanding the provisions of Section 216.262(1)(e) and (f), and in accordance with 216.351, Florida Statutes, prerequisites shall be continued at the same rate provided in Fiscal Year 1976-77 for all state agencies.

—and renumber subsequent sections.

Senator Tobiassen moved the following amendment which failed:

Amendment 57—

| Item | | Strike: | Insert: | Plante Poston Renick | Scott Skinner Spicola | Thomas, Jon Thomas, Pat Vogt | Williamson Wilson Zinkil |
|------|-----------------------------|-----------|-----------|----------------------------|-----------------------------|------------------------------------|--------------------------------|
| 31 | Salaries and Benefits | 61 | 59 | | | | |
| | From General Revenue Fund | 1,174,819 | 1,146,899 | Nays—12 | | | |
| 33 | Expenses | | | | | | |
| | From General Revenue Fund | 137,702 | 133,302 | Barron | Gorman | Sayler | Trask |
| 36 | Special Categories | | | Castor | Graham | Scarborough | Ware |
| | Cost-of-Living Price Survey | | | Chamberlin | Henderson | Tobiassen | Winn |
| | From General Revenue Fund | 165,000 | 0 | | | | |

Explanation:

Deletes 2 positions and \$197,320 related to annual cost-of-living study related to the education funding formula

Senator Scarborough moved the following amendment:

Amendment 58—Reduce item 1 by 3.5%.

Amendment 58 failed by the following vote:

Yeas—15

| | | | |
|-----------------|-----------|-------------|------------|
| Barron | Gorman | Scarborough | Ware |
| Childers, W. D. | Henderson | Scott | Williamson |
| Dunn | Peterson | Tobiassen | Wilson |
| Glisson | Sayler | Trask | |

Nays—24

| | | | |
|---------------|----------|---------|-------------|
| Castor | Graham | McClain | Spicola |
| Chamberlin | Hair | Myers | Thomas, Jon |
| Childers, Don | Holloway | Plante | Thomas, Pat |
| Firestone | Johnston | Poston | Vogt |
| Gallen | Lewis | Renick | Winn |
| Gordon | MacKay | Skinner | Zinkil |

Senator Wilson moved the following amendment which failed:

Amendment 59—Strike everything after the enacting clause and insert the attached.

Pursuant to Rule 7.6, the foregoing amendment to the General Appropriations Bill constituted an entirely new bill and was not printed in the Journal.

On motion by Senator Lewis, by two-thirds vote SB 1455 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

| | | | |
|-----------------|-----------|----------|----------|
| Mr. President | Firestone | Hair | MacKay |
| Childers, Don | Gallen | Holloway | McClain |
| Childers, W. D. | Glisson | Johnston | Myers |
| Dunn | Gordon | Lewis | Peterson |

Explanation of Vote

I voted "yes" for the purposes of offering the motion to reconsider the passage of SB 1455. Under our rules, a Senator must be voting on the prevailing side in order to make the motion to reconsider. After all efforts failed to cut this spending bill back to meet our budget, this was one last effort to slow this spending train down. I have consistently opposed increased spending, growth of government and increased taxes. I am therefore opposed to the passage of SB 1455 and would have voted 'no' except for the purpose of making this motion.

Senator Lori Wilson, 16th District

Senator Wilson moved that the Senate reconsider the vote by which SB 1455 passed this day.

The motion was placed on the calendar for consideration May 13.

ENROLLING REPORTS

SB 6 SB 92 SB 294 CS for SB 223

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 12, 1977.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Peterson—Senate Bills 648, 997, 998, 999, 1003; Senator Poston—SB 1011; Senator Firestone—SB 1178

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 11 was corrected and approved as follows: Page 364, column 1, between lines 12 and 13 insert: Excused: Senator Sayler

The Journal of May 9 was further corrected and approved as follows: Page 363, column 1, line 14, strike "1547" and insert: 1457

Pursuant to the motion by Senator Plante, the Senate adjourned at 7:40 p.m. to convene at 9:00 a.m., Friday, May 13.